

# EXHIBIT 3

**Luman, John**

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**From:** Luman, John  
**Sent:** Wednesday, April 25, 2012 12:07 PM  
**To:** Elizabeth DeRieux; C. Dale Quisenberry  
**Cc:** Blythe Adam; Yates, Jay; Ted Polasek; Jeff Rambin; Jeff David  
**Subject:** RE: Traffic v. BOA et al

Great. Below is a dial in number for you to use.

Dale, we cannot agree to your offer in the prior email of "keep them confidential, not disclose to others, etc." I will have your PICs and a Sharpie so we can walk through the PICs and you can identify the information you believe to be confidential.

Look forward to speaking with you all tomorrow (Thursday) at 4:30. Thanks.

Conference: (866) 213-1948  
Conference code: 7132211596

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**From:** Elizabeth DeRieux [<mailto:ederieux@capshawlaw.com>]  
**Sent:** Wednesday, April 25, 2012 11:33 AM  
**To:** C. Dale Quisenberry; Luman, John  
**Cc:** Blythe Adam; Yates, Jay; Ted Polasek; Jeff Rambin; Jeff David  
**Subject:** RE: Traffic v. BOA et al

That time is fine for me.

Betty  
**Elizabeth L. DeRieux**  
Attorney  
Capshaw DeRieux LLP

114 E. Commerce St.  
Gladewater, Texas 75647  
903 236-9800 Main Line  
903 233-4816 Direct Line  
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**From:** C. Dale Quisenberry [<mailto:dquisenberry@pqelaw.com>]  
**Sent:** Wednesday, April 25, 2012 11:05 AM  
**To:** Luman, John  
**Cc:** Blythe Adam; Yates, Jay; Elizabeth DeRieux; Ted Polasek; Jeff Rambin; Jeff David  
**Subject:** Re: Traffic v. BOA et al

John/Betty: I could talk tomorrow afternoon at 4:30 Central. Does that work for you?

Dale

On 4/24/12 6:18 PM, "Luman, John" <[John.Luman@bgllp.com](mailto:John.Luman@bgllp.com)> wrote:

Dale

I do not know what you mean by "maintain them in confidence." We do not agree that there is anything confidential in the PICs. We cannot agree to let you hamstring our defending this case by putting restrictions on who we can share with the publicly available information contained in the PICs. The artificial designation Traffic put on the PICs is inappropriate.

Please let me know when you are available for a meet and confer. I am generally available tomorrow after 11 am and Thursday.

Thanks.

John

From: C. Dale Quisenberry [<mailto:dquisenberry@pqelaw.com>]

Sent: Tuesday, April 24, 2012 6:01 PM

To: Luman, John

Cc: Blythe Adam; Yates, Jay; Betty DeRieux; Ted Polasek; Jeff Rambini; Jeff David; Blythe Adam

Subject: Re: Traffic v. BOA et al

John: We agree that you can share the contentions with your client if your client agrees to maintain them in confidence.

Dale

On 4/24/12 5:04 PM, "Luman, John" <[John.Luman@bgllp.com](mailto:John.Luman@bgllp.com)> wrote:

Dale

Please see attached letter regarding Plaintiff's PICs.

John

From: C. Dale Quisenberry [<mailto:dquisenberry@pqelaw.com>]

Sent: Friday, April 20, 2012 2:51 PM

To: Luman, John; Luman, John

Cc: Blythe Adam

Subject: Traffic v. BOA et al

John: Please see attached 3-1 contentions.

Dale

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